

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

AUDREY LATHAM AND
GLENNIS LATHAM,
CO-ADMINISTRATORS OF THE ESTATE
OF DAVID LOUIS LATHAM, DECEASED,
Plaintiffs,

v.

CIVIL ACTION NO.: 2:16cv203

MICHAEL EDINGTON,

and

CITY OF NORFOLK,
Defendants.

BRIEF IN SUPPORT OF MOTION FOR SUBSTITUTION OF COUNSEL

COME NOW the Plaintiffs, Audrey Latham and Glennis Latham, Co-Administrators of the Estate of David Louis Latham, deceased, by their current counsel of record John M. Cooper, Esq. and William F. O'Mara, Jr., Esq., and respectfully state the following as and for their Brief in Support of Motion for Substitution of Counsel:

1. This action is currently stayed pending the criminal prosecution of Defendant Michael Edington, which arises from the same occurrence. There is no scheduled trial date.

2. The Plaintiffs have recently retained Jon M. Babineau, Esq., and Todd M. Fiorella, Esq., to represent them in connection with this wrongful death action in lieu of undersigned counsel.

3. The Plaintiffs wish to discharge John M. Cooper, Esq. and William F. O'Mara, Jr., Esq., as counsel.

Accordingly, for the foregoing reasons, the Plaintiffs respectfully move for the entry of an Order of Substitution of Counsel permitting Todd M. Fiorella, Esq., and Patrick J. Genova, Esq., of the law firm of Fraim and Fiorella, P.C., and Jon M. Babineau, Esq., of the law firm Jon M. Babineau, PC, to be substituted as new counsel of record for the Plaintiffs, and discharging John M. Cooper, Esq. and William F. O'Mara, Jr. as counsel of record.

AUDREY LATHAM AND
GLENNIS LATHAM,
CO-ADMINISTRATORS OF THE ESTATE
OF DAVID LOUIS LATHAM,
DECEASED,

By: _____/s/_____
Of Counsel

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Counsel for Plaintiff

Certificate of Service

I hereby certify that on the 28th day of September, 2016, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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_____/s/_____
William F. O'Mara, Jr., Esquire

I hereby also certify that on this 28th day of September, 2016, I will mail and e-mail the foregoing interested parties who have not filed notices of appearance in this matter:

Todd M. Fiorella, Esq.
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_____/s/_____
William F. O'Mara, Jr., Esquire